CWPs No. 830 of 2005 and 1343 of 2005.

10.12.2007. Present: Mr.R.K. Bawa, Sr.Advocate, with Mr.Inderjit Singh, counsel for the petitioners.
Ms.Shilpa Sood, Central Govt. Counsel, for respondents No.1 to 3.
Mr.Surender Sharma, counsel for respondents No.4 to 9.

CWP No.1343 of 2005:

Present: Ms.Shilpa Sood, Central Government Counsel, for the petitioners.
Mr.Surender Sharma, counsel for respondents No.1 to 6.

Both these writ petitions are directed against one order of the learned Central Administrative Tribunal, dated 5th July, 2005, disposing of the Original Application No.1088-HP of 2003 filed by some of the private respondents. In the said Original Application, the learned Tribunal passed the following directions:

> *"Respondents shall comply with the above directions in the following manner: -*
> *a) They shall receive objections from the applicants within a period of 30 days from the date of receipt of copy of this order;*
> *b) Shall decide the same within next 45 days from the receipt of such objections or a cut off date to be fixed by the department for receiving such objections;*
> *c) In case the applicants or any one of them is found entitled to promotion to HSG II and HSG I as per seniority quota, they shall be given the benefit after consideration by the DPC within three months after decision on their objections;*
> d) *In addition to the above, to enable the applicants to compete against the quota promotion after appearing in the aptitude test for the number of posts reserved under the quota, a special examination shall be conducted for them and any one of them who, under the rules, is found qualified, shall be extended the benefit of promotion."*

The parties, who were appearing before us, admitted that 3 out of 5 original applicants filed representations in terms of the orders of the learned Tribunal and the same have been rejected by the competent

authority. Thereafter, Original Application No.136-HP of 2007 has been filed by the said persons before the learned Central Administrative Tribunal challenging this order passed by the competent authority.

In view of these developments, we are of the view that nothing survives in these writ petitions. We may, however, clarify that we have not expressed any opinion on the merits of the controversy and the rejection of these writ petitions does not amount to approval of the findings given by the learned Tribunal in the order impugned before us. We are only holding that the petitions have become infructuous due to subsequent events. All the parties shall be at liberty to raise all pleas before the learned Central Administrative Tribunal.

Both the writ petitions are disposed of accordingly.

In view of the final disposal of the main petitions, all the pending applications in both these writ petitions shall also stand disposed of.

(Deepak Gupta), J.

December 10, 2007. **(V.K. Ahuja), J.**
(TILAK)